

REMARKS

In the Official Action, correction was required of the Abstract; this requirement is met by replacing the present abstract with a corrected copy of the abstract provided on a separate sheet. Claims 1, 4, 5, 8 and 10-12 were rejected under 35 U.S.C. 102 as being anticipated by Hayes (US 6,295,448), Claims 2-3 and 6-7 were rejected under 35 U.S.C. 103 as being unpatentable over Hayes, and Claim 9 was rejected under 35 U.S.C. 103 as being unpatentable over Hayes in view of Engelmann (US 6,335,906) for reasons set forth in the Action.

Reconsideration of these rejections is requested respectfully in view of the amendment and argument herein.

The following analysis of the cited art is presented to distinguish the present invention from the teachings of the cited art.

It is noted that Hayes Jr. et al (US 6,295,448) relates to unidirectional and bidirectional communication directly between a mobile telephone and another device without the use of a mobile telephone system to carry out the communication (abstract), Short distance voice communication between a mobile telephone and either another mobile telephone or some other communication device without using a serving mobile telephone infrastructure to relay the communication is disclosed (column 1 lines 34-38). However, according to the second embodiment of Hayes et al., the short distance (direct) communication is performed by using the mobile communication equipment as follows. A resource

(communication channel) is reserved from e.g. one cell of a mobile communication network for the direct communication, wherein the mobile communication network does not use this specific channel for communication. Moreover, keyless access to buildings, automated teller machine interfaces, credit/debit card interfaces to point of sale equipment and airport check-in facilitators are disclosed (col. 1, lines 30-34). The mobile telephone or other device can transmit voice and/or data (column 11 line 16). Via the communication path between the mobile telephone and another device/telephone control or other mobile telephone, system traffic can be transmitted (column 11, lines 39-40).

Moreover, according to Hayes et al, both devices (mobile telephone, another device/mobile telephone) have different users (column 1, lines 38-42) and so the access rights of the user are different for both devices. Also e.g. keyless access to buildings by access codes does not relate to starting and using a mobile device (present claim 1). Moreover, keyless access is a kind of another device which has its own access code.

Hayes et al do not relate to the determination of the access rights of the user of the wireless communication device (1) (present claim 1). There seems to be no mention of user identification data in Hayes et al.

Engelmann (US 6,335,906) relates to modules in a portable object (e.g. wristwatch) and in which each module allows access to a particular service (abstract).

However, Engelmann relates to accessing to a service (abstract) and not to access rights of the user of the wireless communication device (present claim 1). Accessing a service has a different code which is not the same thing as the PIN code, which is used to start and access a wireless communication device within a mobile network. The service code could be, by way of example, a code for banking services, which codes does not relate to access rights of the user of the wireless communication device.

It is one thing to start up a wireless communication device, and it is another thing to start to use a service. For example, the passwords used with wireless banking services are only related to the rights to use the banking service application. They are not related to the rights to use the wireless communication device in a mobile communication network. The user can attach the wireless communication device to the mobile communication network if he has a valid SIM card in his wireless communication device, and he enters the correct PIN code when the communication device is started up. The user can then use the wireless communication device in the mobile communication network although the user would not have rights to use some wireless service application or service.

An important concept of the present invention is to examine user information in connection with a starting-up of the wireless communication device (present claim 1). The main concept of the present invention is to identify the user before allowing the usage of the service.

Also, Hayes et al do not relate to the determination of the access rights of the user of the wireless communication device, set forth in present claim 1. The Hayes system relates to two devices which have two different users and two different access rights (column 1, lines 38-42).

Engelmann also does not relate to the determination of the access rights of the user of the wireless communication device called for by present claim 1. The Engelmann teaching relates to modules in a portable object (e.g. wristwatch), and wherein each module allows access to a particular service (abstract). Accessing a service by some access code is a different thing compared to accessing a wireless device as by use of a PIN code.

The present invention relates to the determination of the access rights of the user of the wireless communication device as called for by present claim 1.

An important advantage of the present invention, compared to both references, is that more than one wireless communication device can simultaneously read the user identification data from the identification module, wherein the user can employ these different wireless communication devices even simultaneously (present specification at page 3, line 35 to page 4, line 1). By the present invention, it is also possible to prevent unauthorized use of a wireless communication device e.g. in situations in which the wireless communication device is stolen (present specification at page 4, lines 7-10).

Moreover, there is no motivation for a person skilled in the art to combine the Hayes and the Engelmann references since, according to Hayes et al, both devices (mobile telephone, another device/mobile telephone) have different users (col. 1 at lines 38-42), and so the access rights of the user are different for both devices. The examiner considers the device 110 of Hayes to be an identification module, but the teaching of Hayes appears to be otherwise. Also e.g. keyless access to buildings by access codes does not relate to starting and using a mobile device (present claim 1). Moreover keyless access is a kind of another device which has its own access code.

Furthermore, Engelmann relates to accessing to a service (abstract) and not to access rights of the user of the wireless communication device (present claim 1). Accessing a service has a separate code differing from a PIN code which is used to start and access the wireless communication device and mobile network. The service code could be e.g. a code for banking services, and this does not relate to access rights of the user of the wireless communication device.

It is noted furthermore that the communication in the Hayes system takes place in the spectral portion allocated for mobile communications in a radio-telephone system. A regular communication frequency, normally allocated for communication between a mobile station and a base station of the radio-telephone system, is deleted from the set of frequencies available to the system, and is dedicated on a temporary basis for communication among at least two users, mobile stations, of the system. And that sense, the Hayes

system does provide for two separate communication frequencies wherein one frequency is dedicated to communicate with one's companion and other frequencies are available for communication with a base station to reach a distant station (mobile or fixed). This is a waste of valuable spectral space. Please note that Hayes states in column 2, at lines 7-12, that the assigned communication path constitutes a portion of a radio spectrum assigned to the mobile telephone system. Further, Hayes states that the assigned communication path is removed from a set of communication path allocated for use by the mobile telephone system.

In contrast, in the present invention, the wireless communication of user identification data, as well as other signaling, between a user data identification module and a wireless communication device (mobile station) is accomplished by use of a portion of the electromagnetic spectrum separate from the portion of the electromagnetic spectrum that is allocated to mobile telephony. For example, the wireless communication of the present invention in the separate portion of the electromagnetic spectrum may be provided at infrared frequencies (well above the spectrum of mobile telephony) or in the MHz (megahertz) region (well below the spectrum of mobile telephony). In order to emphasize this aspect of the invention, and to distinguish the present invention further from the teachings of the cited art, new claim 15 is presented to emphasize the inventive teaching of using differing portions of the spectrum for the local wireless communication (between the data identification module and the mobile station) and the communication (mobile station to base station) via a cellular telephone system. Also, various ones of the claims have been amended to

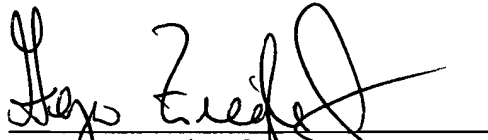
emphasize the utilization of user identification data for distinguishing the claims from the cited art in view of the foregoing argument. New claims 13 and 14 are provided to show use of the SIM card as a source of identification data in the practice of the invention.

Thereby, this amendment of the claims and the argument are believed to overcome the rejections under 35 U.S.C. 102 and 103 so as to secure allowance of the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$84.00 is enclosed for an additional claim fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Date: 3/12/03

Signature: Rosanna Belenchia
Person Making Deposit

Application No.: 09/630,945

Marked Up Specification Replacement Section(s)

Please cancel the present Abstract, and substitute therefore the enclosed Abstract, presented on a separate sheet.

--In a method for transmitting user identification data to a wireless communication device (1), user data is stored in a user data identification module (2). Upon initiating operation of the wireless communication device, the user data is examined to obtain access rights of the user of the wireless communication device. The user data is transmitted at least partly in a wireless manner from the user data identification module to the wireless communication device. The invention relates also to a user identification module having means (9) for storing user data and means (4, 6) for transmission of user data to a wireless communication device, and relates also to a wireless communication device (1). The wireless communication device includes means (5) for receiving user data and means (11) for examining the user data to obtain the access rights of the user of the wireless communication device. The data transmitting means (4) includes wireless communication means.--

Marked Up Claim(s)

1. (Amended) A method for transmitting user identification data to a wireless communication device (1), in which method said user data are stored in a user data identification module (2), wherein in connection with starting up of the wireless communication device (1), the user data stored in said user data identification module (2) are examined to find out the access rights of the user of the wireless communication device (1), [characterized in that] wherein the user identification data are transmitted at least partly in a wireless manner from the user data identification module (2) to the wireless communication device (1).

2. (Amended) The method according to claim 1, [characterized in that] wherein the user data stored in said user data identification module (2) are used in connection with at least a first (1) and a second wireless communication device (1') to find out the access rights of the user.

3. (Amended) The method according to claim 2, [characterized in that] wherein the identification module (2) is placed in the first wireless communication device (1), wherein to find out the access rights of the user, the identification module (2) placed in said first wireless communication device (1) is used in the second wireless communication device (1').

4. (Twice amended) The method according to claim 1, [characterized in that] wherein for the transmission of user data, radio-frequency signals are used.

5. (Amended) A user data identification module (2) which comprises means (9) for storing user identification data and means (4, 6) for transmission of user data to a wireless communication device (1), the wireless communication device (1) comprising means (5) for receiving user data and means (11) for examining the user data to find out the access rights of the user of the wireless communication device (1), [characterized in that] wherein said means (4) for transmitting user identification data comprise wireless communication means.

6. (Amended) The user data identification module (2) according to claim 5, [characterized in that] wherein it is intended to be used in connection with at least a first wireless communication device (1) and a second wireless communication device (1') to find out the access rights of the user.

7. (Amended) The user data identification module (2) according to claim 6, [characterized in that] wherein it is placed in the first wireless communication device (1), and wherein said identification module (2) placed in the first wireless communication device (1) is arranged to be used for finding out the access rights of the user in the second wireless communication device (1').

8. (Twice amended) The user data identification module (2) according to claim 5, [characterized in that] wherein the means (4) for transmitting user data comprise means (RX, TX) for transmitting and receiving low power radio frequency signals.

9. (Twice amended) The user data identification module (2) according to claim 5, [characterized in that] wherein it is arranged to be portable with the user, preferably to be attached to the wrist.

10. (Amended) A wireless communication device (1) which comprises means (5) for receiving user identification data stored in a user data identification module (2) and means (11) for examining the user data to find out the access rights of the user of the wireless communication device (1), [characterized in that] wherein said means (5) for receiving user identification data comprise wireless communication means.

11. (Amended) The wireless communication device (1) according to claim 10, [characterized in that] wherein it is a GSM mobile station.

12. (Twice amended) The wireless communication device (1) according to claim 10, [characterized in that] wherein it comprises means (11) for setting the access rights for the wireless communication device, wherein the access rights

(1) for the wireless communication device (1) are arranged to be limited, if the user data are not received from the identification module (2) in the wireless communication device (1).